Meeting: TCF Governance Board

Date and Time: Tuesday 26 OCTOBER 2021 at 14:00 (CET)

Venue: Conference call

Present: Thomas Peruzzi (Virtual Minds) (Chair)

Ben Barokas (Sourcepoint) (left 15:00)
Jaakko Kuivalainen (Sanoma)
Jochem Schlosser (Adform)
Romain Gauther (Didomi)
Simon Breen (Schibsted)
Benoit Oberlé (Sirdata)
Stevan Randjelovic (GroupM) (left 15:30)
Markus Ruhl (Publicis Groupe)
Karsten Rieke (Criteo)
Kate Teh (The Telegraph)

Board Observer:

Christie Dennehy-Neil (IAB UK)
Magdalena Bublewicz (IAB Poland)
Katharina Rieke (BVDW)
Nina Elzer (EACA)
Conor Murray (EGTA)

In attendance:

Townsend Feehan (CEO, IAB Europe, Managing Organisation)
Thomas Mendrina (Chair, TCF Steering Group)
Filip Sedefov (Legal Director Privacy, IAB Europe, Managing Organisation)
Ninon Vagner (Privacy & Compliance Mgr, IAB Europe, Managing Organisation)

Anne Goodman – Secretariat (IAB Europe)

The Chair opened the meeting and asked the secretariat to update the Board on the outstanding "action" items from the Q3 meeting.

> **Action:** MO to update SG on the automation of CMP compliance **(covered in MO report)**
> **Action:** MO to confer with Zulu5 on any issues they would have, or limitations they would impose, on a demo of the UI for the SG **(covered in MO report)**
> **Action:** MO to identify an appropriate mechanism for presenting the aggregated data on compliance failures **(covered in MO report)**
> **Action:** Board members to provide MO (sedefov@iabeurope.eu) with examples reference the issue concerning ATT prompt that can be considered by the FSWG **(outstanding – the Board were reminded of this action item)**
> **Action:** MO to share email from Apple with Board **(outstanding)**
> **Action:** Board members to support the MO in reaching out to national DPAs **(outstanding – the Board were reminded of this action item)**

Steering Group update (SG) (PAPER 2_19-10-21) for noting – Chair of SG Thomas Mendrina presented the update from the SG and its working groups (WG) on recent TCF developments that the SG oversaw. The update was circulated to the Board and observers prior to the meeting.

The Chair of the SG noted that due to the summer break the activity in the working groups was lower than previously reported but drew attention to the Policy WG as one of the most active with a large number of action items.

The SG Chair then highlighted the following details.

Post Third-Party Cookie (P3PC) sub working group
The board members attention was drawn to the valuable work of the recently convened P3PC sub working group that reports to the Policy WG. It was highlighted that members of the group needed to be encouraged to engage in this valuable discussion and if any board members had colleagues who were members of the group then to follow this up. All members of the board were encouraged to read the report here that the MO has produced in support of this group. Anybody who wished to join the group should email MO project lead on the group Ninon Vagner (vagner@iabeurope.eu).

DPA Outreach WG
It was noted that as outlined in the report there were a significant number of conversations taking place.
The board raised a question concerning Max Schrems and the work he was doing with his group None of Your Business (NOYB). The MO advised the meeting that they recently attended NOYB's presentation of ADPC, which defines a mechanism to establish and save users' preferences at the browser-level but on a service-specific basis to align with GDPR requirements, whereby a publisher would be able to ask users' consent in the form of a browser notification instead of displaying a cookie banner. This notification could interoperate with their existing CMPs should the user want additional information or make more granular choices. The MO will present this approach at the next meeting of the FSWG to discuss possible synergy and interoperability with TCF and how such a specification could work.

Managing Organisation (MO) update (PAPER 3_19-10-21) for noting – CEO of the MO Townsend Feehan supported by Ninon Vagner Privacy and Compliance Manager of the MO presented the update from the MO. The update had been circulated to the Board and observers prior to the meeting.

In addition to the detail described in the MO report the following points and questions were highlighted in the read-out of the report.

Adoption of the TCF
It was noted that the list of checks would include a check on where Global Scope was still being used.

Operation of the GVL & CMP registration portals
The board noted the annual renewal rate of 92% for vendors and asked what reasons were given by the 8% of vendors who did not renew. The MO responded that the most common reason was the vendor had registered without a comprehensive understanding of their requirements. Following a re-evaluation, prompted by renewal, they concluded that the TCF was not required. The MO also emphasised that every attempt is made to solicit feedback from vendors and CMPs that do not re-register, to help understand market sentiment and anticipate external developments that might negatively impact TCF uptake.

CMP compliance
The board asked if the automation of some aspects of compliance by the employment of a crawler would enable the identification of CMP by publisher, the MO agreed that this could be possible but there was no intention to consider tracking this for commercial assessment of the market penetration of a particular CMP and its market share.

The Chair asked if there were any further questions relating to the report and the meeting asked for an update on investigation by the APD into IAB Europe and the TCF. The MO responded that they had some correspondence from the APD and once they had complete oversight of a draft decision, they would be in a position to share. Given the critical phase of the investigation the importance of confidentiality was emphasised by the MO.

The MO also updated the meeting on the expected process whereby the draft decision would be shared with 4 DPAs (Poland, Italy, Luxemburg and Slovenia) who would have the opportunity to raise any concerns to the APD. If concerns were raised then the draft ruling would be reviewed by the European Data Protection Board.

The meeting also asked about contingency plans to ensure that there was no major disruption to the operation of the advertising business in the middle of Q4 if the final decision was unfavourable, as a consequence of the ruling. The MO reassured the meeting that a definitive ruling would likely not be available before the end of the year at the earliest and would be later if the EDPB is engaged. Following the ruling there would likely be a transitional phase.

The MO asked the board to consider the SG briefing at its next meeting (October 27) which the board did. In addition, the board asked that a clear message was presented to the SG members of the extreme importance of approaching their local DPAs.

Finally, the MO indicated that if more information was available the board could be reconvened outside of its normal cadence to review any outcomes.

TCF evolution 2.1/2.2 or 3.0
The Chair introduced this timely agenda item for discussion.

The discussion focused on the following key points as pillars for the TCF to consider going forwards:

- Expansion of the TCF to include the complete supply chain, particularly to increase the focus of the TCF on advertisers. The meeting asked if it was possible for the MO, when monitoring the adoption of the TCF to track where extent of the adoption of the TCF by advertisers. In addition, would advertiser engagement in the TCF provide a bridge to the management of a user preferences in the future;
- TCF signalling and the inclusion of identity management, particularly taking account of the work that was being done by the P3PC sub WG.

Action: The MO agreed to open a document to capture these points that the members of the board could then contribute to that could then be presented to the Policy WG for inclusion in their considerations, which could then be reported back to the board

Broadening the appeal of the TCF to the enterprise/buy-side community
The meeting agreed that this item had been covered under the previous discussion.

AOB
The board put forward one item for discussion under AOB, the consideration of Joint Controller Agreements within the TCF. No conclusion was reached and the Board should consider if this is brought forward to the Q1 meeting as an agenda item.

Action: Chair

The Chair then remined the Board members that a nomination for the position of Vice Chair to support the Chair was still outstanding and was necessary for the efficient running of the Board. The Chair noted that the task of VC should not be considered onerous or time consuming.

Action: Board Members to provide a nomination (s) to the secretariat

The Chair thanked the board members attending.

Next meeting

The next meeting of the Board will be Q1 2022 and in line with the current cadence this will be January the first month of Q1. A 'doodle poll' will be distributed to determine the best date and it was agreed that if conditions allowed the meeting would be face-to-face. The MO suggested that this could coincide with the annual international CPDP conference that is held in January (26th – 28th January 2022).

Close
The Chair thanked the Board.

The meeting closed at 15:50 CET